



Journal of the Senate

State of Indiana

114th General Assembly

First Regular Session

Fifteenth Meeting Day

Thursday Afternoon

February 3, 2005

The Senate convened at 1:30 p.m., with the President Pro Tempore of the Senate, Robert D. Garton, in the Chair.

Prayer was offered by Pastor Joyce Christmas, Rise Above It All Ministry, Indianapolis.

The Pledge of Allegiance to the Flag was led by Senator Ryan D. Mishler.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Antich-Carr	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Clark	Mishler
Craycraft <input checked="" type="checkbox"/>	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Server
Harrison	Simpson
Heinold	Sipes
Hershman	Skinner
Howard	Smith
Hume	Steele
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 51: present 49; excused 1. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 612, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new

paragraph and insert:

"SECTION 1. IC 22-4-8-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 3.5. As used in this article, "employment" does not include an owner-operator that provides a motor vehicle and the services of a driver to a motor carrier under a written contract that is subject to IC 8-2.1-24-22, 45 IAC 16-1-13, or 49 CFR 376.**"

Page 3, line 1, after "shall" delete ",".

Page 3, line 1, strike "upon application and agreement by and".

Page 3, line 2, strike "between the disposing and acquiring employers,".

Page 3, line 6, strike "However, the" and insert "An".

Page 3, line 6, strike "and".

Page 3, line 7, strike "agreement".

Page 3, line 15, after "account" delete ",".

Page 3, line 15, strike "if transferred,".

Page 3, line 16, strike "rules prescribed by this board." and insert "IC 22-4-11.5.".

Page 6, delete lines 17 through 20, begin a new paragraph and insert:

"**Sec. 6. As used in this chapter, "knowingly" has the meaning set forth in IC 35-41-2-2(b).**"

Page 6, line 23, delete "solely to obtain a lower" and insert ";".

Page 6, line 24, delete "contribution rate;".

Page 6, run in lines 23 through 24.

Page 6, between lines 33 and 34, begin a new paragraph and insert:

"(c) The experience account balance and the payroll of the predecessor employer on the date of the transfer, and the benefits chargeable to the predecessor employer's original experience account after the date of the transfer, must be divided between the predecessor employer and the successor employer in accordance with rules adopted by the department under IC 4-22-2.

(d) Any written determination made by the department is conclusive and binding on both the predecessor employer and the successor employer unless one (1) or both employers file with the department a written protest setting forth the grounds and reasons for the protest. A protest under this section must be filed not later than ten (10) days after the date the department mails the initial determination to the employing units. The protest shall be heard and determined under this section and IC 22-4-32-1 through IC 22-4-32-15. Both the predecessor employer and successor employer shall be parties to the hearing before the administrative law judge and are entitled to receive copies of all pleadings and the decision."

Page 6, line 34, delete "an administrative law judge" and insert "the department".

Page 7, line 2, delete "new employer".

Page 7, line 3, delete "IC 22-4-10." and insert **"this chapter."**

Page 7, line 7, delete "administrative law judge" and insert **"commissioner"**.

Page 7, between lines 17 and 18, begin a new paragraph and insert:

"(c) If the commissioner makes an initial determination that a violation of this chapter has occurred, the commissioner shall promptly refer the matter to an administrative law judge for a hearing and decision under this article."

Page 7, line 24, delete "for pecuniary gain".

Page 7, delete line 32.

Page 7, line 33, delete "section." and insert **"chapter."**

Page 8, delete lines 18 through 24, begin a new paragraph and insert:

"Sec. 11. (a) The commissioner shall establish procedures to identify the transfer or acquisition of a business for purposes of this chapter.

(b) The interpretation and application of this chapter must meet the minimum requirements contained in any guidance or regulations issued by the United States Department of Labor.

SECTION 7. [EFFECTIVE JULY 1, 2005] (a) 646 IAC 3-4-10 is void after December 31, 2005. The publisher of the Indiana Administrative Code and Indiana Register shall remove this section from the Indiana Administrative Code after that date.

(b) Before January 1, 2006, the department of workforce development shall adopt rules for transfers of a portion of a trade or business under IC 22-4-11.5-7, as added by this act, including the division between the predecessor employer and the successor employer of:

(1) the experience account balance of the predecessor employer;

(2) the payroll of the predecessor employer; and

(3) the benefits chargeable to the predecessor employer's original experience account after the date of the transfer.

(c) This SECTION expires January 1, 2006."

Renumber all SECTIONS consecutively.

(Reference is to SB 612 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 3.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill 125, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 1.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill 362, has had the same under consideration and begs leave to report the same

back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Engrossed House Bill 1022, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 217, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 2.

SERVER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 444, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 1, delete "of" and insert **"by"**.

Page 2, delete lines 18 through 20.

Page 2, line 21, delete "(f)" and insert **"(e)"**.

Page 2, delete lines 23 through 27.

Page 2, line 28, delete "(h)" and insert **"(f)"**.

Page 2, line 28, delete "single ingredient".

Page 2, line 28, after "drug" insert **"that contains the active ingredient of ephedrine, pseudoephedrine, or both,"**.

Page 2, delete lines 30 through 39.

Page 2, line 40, delete "blister" and insert **"container or"**.

Page 2, line 41, delete ":".

Page 2, delete line 42.

Page 3, line 1, delete "(B)".

Run in page 2, line 41 through page 3, line 1.

Page 3, line 34, delete "store" and insert **"stored"**.

Page 3, line 37, delete "(j)" and insert **"(g)"**.

Page 3, after line 42, begin a new paragraph and insert:

"(h) A unit (as defined in IC 36-1-2-23) may not adopt an ordinance after June 30, 2005, that is more stringent than this section."

(Reference is to SB 444 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 360, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, delete lines 28 through 42.
 Page 3, delete lines 1 through 7.
 Renumber all SECTIONS consecutively.
 (Reference is to SB 360 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: Yeas 10, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 293, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.
 Page 2, delete lines 1 through 20.
 Renumber all SECTIONS consecutively.
 (Reference is to SB 293 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 43, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
 Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 538, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
 Committee Vote: Yeas 10, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 615, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be

amended as follows:

Page 1, delete lines 1 through 17.
 Page 2, delete lines 1 through 5.
 Page 2, line 14, delete "of the following".
 Page 2, line 15, delete "organizations:" and insert "organizations".
 Page 2, line 15, reset in roman "that:".
 Page 2, reset in roman lines 16 through 17.
 Page 2, delete lines 18 through 20.
 Page 2, line 21, delete "(D) An organization that has".
 Page 2, line 21, delete "that:".
 Page 2, run in lines 17 through 21.
 Page 2, delete lines 22 through 24.
 Page 5, delete lines 38 through 42.
 Delete pages 6 through 7.
 Page 8, delete lines 1 through 9.
 Page 10, delete lines 31 through 42.
 Page 11, delete lines 1 through 19.
 Renumber all SECTIONS consecutively.
 (Reference is to SB 615 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: Yeas 10, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 161, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Appropriations.
 Committee Vote: Yeas 11, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 180, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 5, after "court" insert "**(1)**".
 Page 2, line 7, delete "(1)", begin a new line double block indented and insert: "**(A)**".
 Page 2, line 10, delete "(2)", begin a new line double block indented and insert: "**(B)**".
 Page 2, line 12, delete "." and insert "; and
(2) requires the person to:
(A) serve the nonsuspendible part of the sentence in a community corrections:
(i) work release program; or
(ii) program that uses electronic monitoring as part of the person's supervision; and

(B) participate in a court approved substance abuse program."

(Reference is to SB 180 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 7, Nays 2.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 334, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, line 30, delete ":".

Page 4, line 31, delete "(1)".

Page 4, run in lines 30 through 31.

Page 4, line 32, beginning with "(1)", begin a new line single block indented and reset in roman "(1)".

Page 4, line 32, delete "(A)".

Page 4, line 33, beginning with "(2)", begin a new line single block indented and reset in roman "(2)".

Page 4, line 33, delete "(B)".

Page 4, line 34, delete "; and" and insert ".".

Page 4, delete lines 35 through 36.

(Reference is to SB 334 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 8, Nays 3.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill 626, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 16 through 17.

Delete pages 2 through 4.

(Reference is to SB 626 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 7, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Concurrent Resolution 12, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.
Committee Vote: Yeas 7, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Concurrent Resolution 13, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.
Committee Vote: Yeas 7, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill 523, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Appropriations.
Committee Vote: Yeas 7, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 101, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 11, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 172, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 10, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 17, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 26, delete "and".

Page 2, line 27, after "3;" insert "and".

Page 2, between lines 27 and 28, begin a new line block indented and insert:

"(4) Hendricks circuit court;".

Page 2, line 29, delete "superior".

Page 2, line 32, delete "superior court;" and insert **"courts;"**.

(Reference is to SB 17 as introduced.)
and when so amended that said bill be reassigned to the Senate Committee on Appropriations..
Committee Vote: Yeas 11, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 422, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.
Page 2, delete lines 1 through 10.
Page 5, line 30, delete "shall maintain a".
Page 5, delete lines 31 through 38.
Page 5, line 39, delete "shall" and insert "**may, after entry of the adoption decree,**".
Page 5, line 39, delete "all" and insert "**an**".
Page 5, line 39, delete "records" and insert "**record**".
Page 6, line 9, delete "or previous adoptive".
Page 6, line 9, delete ":".
Page 6, reset in roman line 10.
Page 6, line 11, delete "biological or previous adoptive parents are".
Page 6, line 12, after "child" insert ";".
Page 6, line 12, after "child" reset in roman "and".
Page 6, line 12, delete "except as".
Page 6, delete line 13.
Page 6, line 14, delete "biological or previous adoptive parents are".
Page 6, line 15, delete "and".
Page 6, delete lines 16 through 17.
Page 6, line 19, delete "A support obligation owed by a biological or previous" and insert "**The obligation to support the adopted person continues until the entry of the adoption decree. The entry of the adoption decree does not extinguish the obligation to pay past due child support owed to the adopted person before the entry of the adoption decree.**".
Page 6, delete lines 20 through 21, begin a new paragraph and insert:
"SECTION 9. IC 31-19-15-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) If the adoptive parent of a child is married to a biological parent of the child, the parent-child relationship of the biological parent is not affected by the adoption.
(b) If the adoptive parent of a child is married to a previous adoptive parent, the parent-child relationship of the previous adoptive parent is not affected by the adoption.
~~(b)~~ (c) After the adoption, the adoptive father or mother, or both:
(1) occupy the same position toward the child that the adoptive father or the adoptive mother, or both, would occupy if the adoptive father or adoptive mother, or both, were the biological father or mother; and
(2) are jointly and severally liable for the maintenance and education of the person."
Page 8, delete lines 28 through 31.

Page 10, delete lines 13 through 42.
Page 11, delete lines 1 through 8.
Page 11, line 10, delete "and IC 35-46-1-9.6 and IC 35-46-1-9.7, both".
Page 11, line 11, delete "as added by this act, apply" and insert "**applies**".
Renummer all SECTIONS consecutively.
(Reference is to SB 422 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 484, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 11, Nays 0.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 611, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 11, Nays 0.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 67, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:
Page 1, line 5, after "time of" insert "**(1)**".
Page 1, line 6, delete ":".
Page 1, line 7, delete "(1)".
Page 1, run in lines 6 through 7.
Page 1, line 8, after "(2)" insert "**the amount needed for the board to make distributions to**".
Page 1, line 8, delete ";" and insert "**consistent with this chapter;**".
Page 1, between lines 14 and 15, begin a new paragraph and insert:
"**(c) If:**
(1) all CMRS providers have been reimbursed for their costs as provided in section 39(a)(2) of this chapter; and
(2) the fee assessed under section 25.5 of this chapter is greater than fifty cents (\$0.50);
the board shall reduce the fee so that the fee is not more than fifty cents (\$0.50). A reduction of the fee under this subsection

is not to be considered an adjustment under subsection (a).

SECTION 2. IC 36-8-16.5-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 35. A CMRS provider may keep ~~two percent (2%)~~ **seven tenths of a cent (\$0.007)** of the wireless emergency enhanced 911 fee collected each month from each subscriber for the purpose of defraying the administrative costs of collecting the fee."

Page 1, line 16, delete "A" and insert "Except as provided in section 35 of this chapter, a".

Page 2, line 2, after "fund." insert "To recover from the fund, the costs must be invoiced to the board as required by section 42 of this chapter."

Page 2, delete lines 3 through 9.

Page 2, line 12, strike "subsection" and insert "subsections".

Page 2, line 12, after "(b)" delete "," and insert "and (c)".

Page 2, line 20, delete "PSAPs and".

Page 2, line 21, delete "but".

Page 2, line 22, delete "not" and insert "and".

Page 2, line 22, delete "order." and insert "order but not incurred by CMRS providers or PSAPs."

Page 3, line 6, strike "26" and insert "26(a)".

Page 3, line 9, delete "When all CMRS providers have been".

Page 3, delete lines 10 through 18.

Page 3, line 33, strike "reimburse" and insert "make distributions to".

Page 4, line 2, delete "If, after all CMRS providers have".

Page 4, delete lines 3 through 7.

Page 4, between lines 28 and 29, begin a new paragraph and insert:

"(c) If all CMRS providers have been reimbursed for their costs under this chapter, PSAPs have been reimbursed for their costs associated with phase two of the FCC order under subsection (a), and the fee has been reduced under section 26(c) of this chapter, the board shall manage the fund in the following manner:

(1) One cent (\$0.01) of the wireless emergency 911 fee collected from each subscriber may be used by the board to recover the board's expenses in administering this chapter. However, the board may increase this amount at the time the board may adjust the monthly fee assessed against each subscriber to allow for full recovery of administration expenses.

(2) Thirty-eight and three tenths cents (\$0.383) of the wireless emergency 911 fee collected from each subscriber must be distributed to each county containing at least one (1) PSAP, as identified in the county notice required by section 40 of this chapter. The board shall make these distributions in the following manner:

(A) The board shall distribute on a monthly basis to each eligible county thirty-four and four tenths cents (\$0.344) of the wireless emergency 911 fee based upon the county's percentage of the state's population.

(B) The board shall distribute on a monthly basis to each eligible county three and nine tenths cents (\$0.039) of the wireless emergency 911 fee equally among the eligible counties. A county must use a distribution received under this clause to reimburse PSAPs that:

(i) are identified by the county under section 40 of

this chapter as eligible for distributions; and

(ii) accept wireless enhanced 911 service;

for actual costs incurred by the PSAPs in complying with the wireless enhanced 911 requirements established by the FCC order and rules.

(C) The board shall deposit the remainder of the wireless emergency 911 fee collected from each subscriber into an escrow account to be used for costs associated with other wireless enhanced 911 services mandated by the FCC and specified in the FCC order but not incurred by PSAPs. The board may invest money in the account in the manner prescribed by section 23 of this chapter and may use the proceeds of the investments for costs associated with other wireless enhanced 911 services mandated by the FCC but not specified in the FCC order or to make distributions to PSAPs under this section.

(3) If the fee has been reduced under section 26(c) of this chapter, the board shall determine how money remaining in the accounts or money for uses described in subsection (a) is to be allocated into the accounts described in this subsection or used for distributions under this subsection.

This subsection does not affect the transfer provisions set forth in subsection (b)."

Renumber all SECTIONS consecutively.

(Reference is to SB 67 as printed January 21, 2005.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 598, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 25, delete "The" and insert "Upon receiving notice under IC 20-5.5-3-9 from a sponsor that a charter has been approved, the".

Page 3, line 25, delete "distribute federal charter school" and insert "immediately inform the organizer of the organizer's potential eligibility for federal charter school start-up grants.

(d) The department shall distribute federal charter school start-up grants to eligible organizers in a timely manner according to the department's published guidelines for distributing the grants.

(e) The department shall compile a biannual report and submit the report to the state office of federal grants and procurement and to charter school organizers and sponsors. The report submitted under this subsection must contain the following information for grants distributed under this section:

(1) Beginning and end dates for each grant cycle.

(2) The dates on which:

(A) grant applications and requests for renewal were received; and

(B) grants were awarded.

(3) The amount of each grant awarded."

Page 3, delete lines 26 through 27.

Page 4, reset in roman line 1.

Page 4, line 1, after "Provide" insert "**solely**".

Page 4, line 5, delete "computer." and insert "**computer;**

if the instructional services are provided to students enrolled in the charter school in a manner that complies with any procedures adopted by the department concerning online and computer instruction in public schools."

(Reference is to SB 598 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 3.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 433, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 13, delete "One (1) member of the faculty from each of the following" and insert "**Seven (7) members who represent state supported and private institutions of higher education."**

Page 1, delete lines 14 through 17.

Page 2, delete lines 1 through 4.

Page 2, line 6, delete "listed in" and insert "**selected under**".

Page 2, line 27, delete "in at least twenty-three (23) different" and insert ".".

Page 2, delete lines 28 through 31.

Page 2, line 32, delete "(3)" and insert "**(2)**".

Page 2, line 34, delete "(4)" and insert "**(3)**".

Page 2, line 35, delete "in an enthusiastic and respectful" and insert ".".

Page 2, delete line 36.

(Reference is to SB 433 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 301, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 171, has had the same under consideration and begs

leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 1.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 352, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 5, delete "structure" and insert "**structure, not including land used for production agriculture,**".

(Reference is to SB 352 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 332, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 564, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 8, strike "an" and insert "**the**".

Page 1, line 13, delete "Upon entry of an order under subsection (b), the" and insert "**The**".

Page 1, line 14, strike "an" and insert "**the**".

Page 1, line 14, delete "." and insert "**not later than fourteen (14) calendar days after the date of the order entered by the court under subsection (b).**".

(Reference is to SB 564 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 570, has had the same under consideration and begs leave to report the same back to the Senate with the

recommendation that said bill be amended as follows:

Page 9, line 13, delete "Notwithstanding IC 9-21-3-7 and IC 9-21-8-41, a" and insert "A".

Page 9, line 26, delete "(2)," and insert "**(2) and notwithstanding IC 9-21-3-7 and IC 9-21-8-41,**".

Page 16, line 23, strike "IC 9-13-2-110);" and insert "**IC 34-6-2-85);**".

Page 17, line 1, delete ", other than a".

Page 17, line 2, delete "violation of an ordinance adopted under IC 9-21-3.5-9,".

Page 17, between lines 4 and 5, begin a new paragraph and insert:

"(d) An ordinance adopted under IC 9-21-3.5-9 may be enforced under IC 33-36 or IC 34-28-5."

(Reference is to SB 570 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 1.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 265, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "fiscal officer" and insert "**appropriating body**".

Page 1, line 4, delete "transfer".

Page 1, line 5, delete "without appropriation" and insert "**appropriate**".

Page 1, line 6, delete "government," and insert "**government without using the additional appropriation procedures under section 5 of this chapter,**".

Page 1, line 6, delete ":",

Page 1, line 7, delete "(1)".

Page 1, run in lines 6 through 7.

Page 1, line 9, delete "; and" and insert ":",

Page 1, delete lines 10 through 12.

(Reference is to SB 265 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 264, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 14.

Page 1, line 16, delete "(a) This section applies to a".

Page 1, delete line 17.

Page 2, delete line 1.

Page 2, line 2, reset in roman "(a)".

Page 2, line 2, delete "(b)".

Page 2, line 18, delete "(c)" and insert "**(b)**".

Page 2, line 20, delete "(b)(1)" and insert "**(a)(1)**".

Page 2, line 20, delete "(b)(2)," and insert "**(a)(2),**".

Page 2, line 29, delete "(d)" and insert "**(c)**".

Page 2, line 34, delete "(e)" and insert "**(d)**".

Page 2, line 35, delete "(b)(2)" and insert "**(a)(2)**".

Page 2, line 39, reset in roman "(a)(1)".

Page 2, line 39, delete "(b)(1)".

Page 2, line 40, delete "(b)(2)." and insert "**(a)(2).**".

Re-number all SECTIONS consecutively.

(Reference is to SB 264 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

SERVER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 574, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 193, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning war memorials and to make an appropriation.

Page 2, delete lines 14 through 17, begin a new line block indented and insert:

"The corporation is subject to audit by the state board of accounts as if it were a state agency.

(7) Transfer money donated to the commission for the purposes described in subdivision (6) to a corporation established under subdivision (6).

(8) Transfer:

(A) artifacts;

(B) images; or

(C) documents of cultural heritage, historical, or museum relevance;

under the commission's control to a corporation established under subdivision (6) without complying with IC 5-22-21 and IC 5-22-22."

Page 2, between lines 31 and 32, begin a new paragraph and insert:

"(f) There is appropriated to the commission the amount of money determined by the state budget agency and the commission that represents the donations to the commission, including earnings, that are in the state treasury as the result of

a reversion before the commission could make the transfer to the corporation. The appropriation shall be allocated by the state budget agency among the Indiana war memorial fund, the state general fund with respect to earnings, and the souvenir shop fund established by IC 10-18-1-26. The appropriation is to be used for the corporation's purposes, beginning July 1, 2005, and ending June 30, 2007."

Page 2, line 32, delete "(f)" and insert "(g)".

(Reference is to SB 193 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 57, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 25-9-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The commission may:

(1) cause to be issued by the Indiana professional licensing agency under the name and seal of the state boxing commission, an annual license in writing for holding boxing or sparring matches, semiprofessional elimination contests, or exhibitions to any person who is qualified under this chapter; and

(2) adopt rules to establish the qualifications of the applicants.

(b) In addition to the general license, a person must, before conducting any particular boxing or sparring match, semiprofessional elimination contest, or exhibition where one (1) or more contests are to be held, obtain a permit from the state boxing commission.

(c) Annual licenses may be revoked by the commission upon hearing and proof that any holder of an annual license has violated this chapter or any rule or order of the commission.

(d) A person who conducts a boxing or sparring match, semiprofessional elimination contest, or exhibition without first obtaining a license or permit commits a Class B misdemeanor.

(e) **A boxing or sparring match, a semiprofessional elimination contest, or an exhibition sanctioned by United States Amateur Boxing, Inc. is considered to have obtained the appropriate license or permit required by this chapter.**

(Reference is to SB 57 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Homeland Security, Utilities, and Public Policy.

GARTON, Chair

Report adopted.

SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 57 and that Senator Wyss be substituted therefor.

GARTON

Motion prevailed.

SENATE BILLS ON SECOND READING

Senate Bill 15

Senator Lawson called up Senate Bill 15 for second reading. The bill was read a second time by title.

SENATE MOTION

(Amendment 15-3)

Madam President: I move that Senate Bill 15 be amended to read as follows:

Page 4, line 17, after "mailed," insert ", **transmitted by fax,**".

Page 6, line 20, delete "(d)".

Page 6, line 20, after "2003." insert "**(d)**".

Page 10, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 9. IC 3-11-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A voter voting by absentee ballot shall make and subscribe to the affidavit prescribed by IC 3-11-4-21. The voter then shall, except as provided in subsection (b), do the following:

(1) Mark the ballot in the presence of no other person.

(2) Fold each ballot separately.

(3) Fold each ballot so as to conceal the marking.

(4) Enclose each ballot, with the seal and signature of the circuit court clerk on the outside, together with any unused ballot, in the envelope provided.

(5) Securely seal the envelope.

(6) Do one (1) of the following:

(A) Mail the envelope to the county election board, with not more than one (1) ballot per envelope.

(B) Deliver the envelope to the county election board in person.

(C) Deliver the envelope to a member of the voter's household or a person designated as the attorney in fact for the voter under IC 30-5 **for delivery to the county election board:**

(i) in person;

(ii) by United States mail; or

(iii) by a bonded courier company.

(b) A voter permitted to transmit the voter's absentee ballots by fax under IC 3-11-4-6 is not required to comply with subsection (a). The individual designated by the circuit court clerk to receive absentee ballots transmitted by fax shall do the following upon receipt of an absentee ballot transmitted by fax:

(1) Note the receipt of the absentee ballot in the records of the circuit court clerk as other absentee ballots received by the circuit court clerk are noted.

(2) Fold each ballot received from the voter separately so as to conceal the marking.

- (3) Enclose each ballot in a blank absentee ballot envelope.
- (4) Securely seal the envelope.
- (5) Mark on the envelope: "Absentee Ballot Received by Fax".
- (6) Securely attach to the envelope the faxed affidavit received with the voter's absentee ballots.

(c) Except as otherwise provided in this title, absentee ballots received by fax shall be handled and processed as other absentee ballots received by the circuit court clerk are handled and processed."

Page 14, line 41, delete "(c)".

Page 14, line 41, after "December 20" insert "(c)".

Page 17, line 31, delete "household" and insert "household,".

Page 17, line 31, strike "or".

Page 17, line 32, after "voter," insert "or".

Page 21, line 6, after "one" insert "(1)".

Page 21, line 26, after "(3)" insert "except for a voter who is:

(A) the person's spouse;

(B) an incapacitated person (as defined in IC 29-3-1-7.5) for whom the person has been appointed the guardian (as defined in IC 29-3-1-6); or

(C) a member of the person's household;"

Page 21, line 26, beginning with "in" begin a new line block indented.

Renumber all SECTIONS consecutively.

(Reference is to SB 15 as printed January 25, 2005.)

LAWSON

Motion prevailed.

SENATE MOTION (Amendment 15-1)

Madam President: I move that Senate Bill 15 be amended to read as follows:

Page 2, delete lines 10 through 42.

Delete page 3.

Page 4, delete lines 1 and 2.

(Reference is to SB 15 as printed January 25, 2005.)

LUTZ

The Chair ordered a division of the Senate. Yeas 16, nays 32. Motion failed. Senator Lawson withdrew the call.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 8

House Concurrent Resolution 8, sponsored by Senators Clark, Howard, and Lubbers:

A CONCURRENT RESOLUTION to honor Peyton Manning for his athletic accomplishments, community involvement, and for serving as a positive role model for our youth.

Whereas, Peyton Manning's athletic accomplishments are outstanding and numerous;

Whereas, Peyton Manning received national sporting acclaim for surpassing Dan Marino's 1984 mark of 48 seasonal

touchdowns;

Whereas, Peyton Manning started 16 games in 2004 for the seventh consecutive season;

Whereas, Peyton Manning posted one of the finest seasons by a quarterback in NFL history with 4,557 passing yards, 49 touchdowns, and a 121.1 quarterback rating;

Whereas, Peyton Manning earned Pro Bowl honors for the 5th time;

Whereas, Peyton Manning won the Associated Press NFL Most Valuable Player for the second consecutive season;

Whereas, Peyton Manning joins quarterbacks Brett Favre and Joe Montana as the only players to win the Associated Press NFL Most Valuable Player in consecutive seasons;

Whereas, Peyton Manning was awarded the Associated Press Offensive Player-of-the-Year in 2004;

Whereas, Peyton Manning was unanimously selected to participate in the Associated Press NFL All-Pro First Team in 2004;

Whereas, Peyton Manning became the only quarterback in NFL history to throw more than 25 touchdown passes in seven consecutive seasons;

Whereas, Peyton Manning formed the PeyBack Foundation in 1999 which promotes the future success of disadvantaged youth;

Whereas, Peyton Manning launched the inaugural PeyBack Classic in 2000, enabling five inner-city Indianapolis high school football teams to play for the first time in the RCA Dome;

Whereas, The PeyBack Foundation has donated more than \$900,000 to community agencies in Indiana, Tennessee, and New Orleans;

Whereas, The PeyBack Foundation hosted more than 1,000 disadvantaged Indianapolis children from 25 different community agencies for the PeyBack Christmas Celebration at the Children's Museum of Indianapolis;

Whereas, The PeyBack Foundation instituted the Peyton's Pals Ticket Incentive Program in 2002, which makes it possible for disadvantaged children to attend Indianapolis Colts home games;

Whereas, Peyton Manning's involvement with the NCAA's "Stay in Bounds" program and the Play It Smart organization further demonstrates his commitment to be a positive impact in the community;

Whereas, Peyton Manning's generosity extends beyond Indiana as shown by his service on the American Red Cross National Celebrity Cabinet; and

Whereas, Peyton Manning's athletic accomplishments and community involvement embodies his character and integrity both on and off the field: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana House of Representatives do honor Peyton Manning for his athletic accomplishments and community involvement and for serving as a positive role model for our youth.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Peyton Manning.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move that Senators Alting, Antich-Carr, Bowser, Bray, Breaux, Broden, Craycraft, Dillon, Drozda, Ford, Gard, Garton, Harrison, Heinold, Hershman, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lutz, Meeks, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Riegsecker, Rogers, Server, Simpson, Sipes, Skinner, Smith, Steele, Waltz, Waterman, Weatherwax, Wyss, M. Young, R. Young, and Zakas be added as cosponsors of House Concurrent Resolution 8.

CLARK

Motion prevailed.

SENATE BILLS ON SECOND READING

Senate Bill 75

Senator Paul called up Senate Bill 75 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 208

Senator Lewis called up Senate Bill 208 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 341

Senator Lawson called up Senate Bill 341 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 381

Senator Ford called up Senate Bill 381 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 381-1)

Madam President: I move that Senate Bill 381 be amended to

read as follows:

Page 2, line 38, delete "The:" and insert **"The coordinating body to establish a statewide broadband system comprises four (4) individuals. The governor shall designate one (1) individual to represent the telecommunications industry. In addition, each of the following entities shall designate one (1) representative:**

(1) The intelenet commission established by IC 5-21-2-1.

(2) The coordinating unit established by IC 20-12-12-3.

(3) The holder."

Page 2, delete lines 39 through 42.

Page 3, delete line 1.

Page 5, line 7, delete "state a" and insert **"a state"**.

(Reference is to SB 381 as printed February 1, 2005.)

FORD

Motion prevailed. The bill was ordered engrossed.

Senate Bill 419

Senator Steele called up Senate Bill 419 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 442

Senator Server called up Senate Bill 442 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 554

Senator Waterman called up Senate Bill 554 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 569

Senator Miller called up Senate Bill 569 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 569-1)

Madam President: I move that Senate Bill 569 be amended to read as follows:

Page 2, after line 19, begin a new paragraph and insert:

"(e) The state department and the department of education shall establish enforcement provisions for compliance with the guidelines adopted under subsection (a)."

(Reference is to SB 569 as printed January 28, 2005.)

MILLER

Motion prevailed. The bill was ordered engrossed.

RESOLUTIONS ON SECOND READING

Senate Concurrent Resolution 10

Senator Zakas called up Senate Concurrent Resolution 10 for second reading. The resolution was read a second time by title and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Walorski and Welch.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 9

Senator Ford called up Engrossed Senate Bill 9 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 52: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative T. Brown.

Engrossed Senate Bill 12

Senator Zakas called up Engrossed Senate Bill 12 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 53: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Walorski and Welch.

Engrossed Senate Bill 14

Senator Lawson called up Engrossed Senate Bill 14 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 54: yeas 33, nays 16. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Richardson, Thomas, and Mahern.

Senator Garton yielded the gavel to Senator Harrison.

Engrossed Senate Bill 30

Senator Alting called up Engrossed Senate Bill 30 for third reading:

A BILL FOR AN ACT concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 55: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act?

There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives T. Brown and Stevenson.

Engrossed Senate Bill 78

Senator M. Young called up Engrossed Senate Bill 78 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 56: yeas 25, nays 24. The bill was declared failed for lack of a constitutional majority.

Engrossed Senate Bill 79

Senator Wyss called up Engrossed Senate Bill 79 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 57: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Duncan and Goodin.

Engrossed Senate Bill 95

Senator Long called up Engrossed Senate Bill 95 for third reading:

A BILL FOR AN ACT concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 58: yeas 47, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Messer, Crawford, Foley, and Kuzman.

Engrossed Senate Bill 106

Senator Lawson called up Engrossed Senate Bill 106 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 59: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Torr.

Engrossed Senate Bill 159

Senator Lanane called up Engrossed Senate Bill 159 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 60: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ulmer and Austin.

SENATE MOTION

Madam President: I move that Senate Bill 420, which is eligible for third reading, be returned to second reading for purposes of amendment.

LAWSON

Motion prevailed.

Senator Harrison yielded the gavel to Senator Garton.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed House Bill 1003

Senator Ford called up Engrossed House Bill 1003 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning economic development and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 61: yeas 46, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author and Senator Broden be added as coauthor of Senate Bill 564.

CLARK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Skinner be added as second author and Senators Miller and Rogers be added as coauthors of Senate Bill 301.

CLARK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Gard be added as second author of Senate Bill 141.

SIMPSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as second author of Senate Bill 352.

BRODEN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be removed as coauthor of Senate Bill 38.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Sipes be removed as second author of Senate Bill 38.

SIPES

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as second author and Senators Sipes and R. Young be added as coauthors of Senate Bill 38.

ANTICH-CARR

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Landske and Rogers be added as coauthors of Senate Bill 38.

ANTICH-CARR

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 38.

ANTICH-CARR

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Lutz, Antich-Carr, and Howard be added as coauthors of Senate Bill 217.

SERVER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Drozda be added as coauthor of Senate Bill 310.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bowser be added as coauthor of Senate Bill 159.

LANANE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Heinold be added as second author of Senate Bill 405.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as coauthor of Senate Bill 590.

RIEGSECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Howard be added as coauthor of Senate Bill 54.

RIEGSECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lutz be added as coauthor of Senate Bill 611.

HARRISON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Dillon be added as coauthor of Senate Bill 444.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Senate Bill 538.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as second author of Senate Bill 43.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Riegsecker be added as coauthor of Senate Bill 484.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be added as second author of Senate Bill 57.

WYSS

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1112, 1198, and 1673 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 20 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 8 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1032, 1085, 1098, 1120, 1141, 1165, 1179, 1200, 1302, 1306, 1335, 1629, and 1662 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 5 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, February 7, 2005.

MERRITT

Motion prevailed.

The Senate adjourned at 4:02 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate